

CITY MANAGER'S EXECUTIVE ORDER NO. 07-002
CITY OF DES MOINES

In accordance with Ordinance No. 1394, the City of Des Moines is extending its employee benefits program to include domestic partners of the same or opposite gender and their dependent children on the same basis as provided to spouses and dependent children.

For the purpose of this policy, the term domestic partner is: "A person who establishes a long term, exclusive relationship with an employee of the City as documented by a notarized statement which affirms specific characteristics of the relationship as defined and required by the City."

Eligibility

To be eligible for domestic partner benefits, the employee and domestic partner must:

- Share the same regular and permanent residence for a minimum of the previous twelve continuous months;
- Have a close, personal, and exclusive relationship;
- Are each other's sole domestic partner and intend to remain so indefinitely;
- Are jointly responsible for basic living expenses;
- Are not married to anyone;
- Are each at least 18 years of age;
- Are not related by blood closer than would bar marriage in the State of Washington;
- Were mentally competent to consent to contract when the domestic partnership began;
- Are responsible for each other's common welfare; and
- Have identified the domestic partner as the sole primary beneficiary for the employee's Social Security replacement plans [ICMA 401(a) Fund and Assurant life insurance policy];

Coverage does not extend to roommates, siblings, parents, or persons related in a way that would prohibit marriage in the State of Washington.

Upon termination of a domestic partner relationship and termination of benefit coverage, a new domestic partner can be enrolled no earlier than one year following termination of the prior relationship.

The declaration of domestic partnership may have potential legal implications under Washington law. There are also serious penalties for falsifying information in the affidavit.

Enrollment of Domestic Partner in Benefit Programs

An Employee can elect to enroll their domestic partner and their domestic partner's dependents in the City's health insurance and survivor income benefit programs after the domestic partner relationship has been established as outlined above, and an employee has:

1. Submitted an *Affidavit of Domestic Partnership* to Human Resources;
2. Submitted a *Declaration of Tax Status*; and
3. Completed an *AWC Combined Insurance Enrollment Form*.

The Employee premium cost share for a domestic partner and domestic partner's dependents health benefits shall be the same as paid for an employee's spouse and dependents.

If a domestic partnership is terminated, the employee must file a *Statement of Termination of Domestic Partnership* with Human Resources within 30 days of the termination.

Tax Consequences

The Internal Revenue Service (IRS) has determined that if an employee receives health benefits for a domestic partner or the partner's child, and the partner or child is not also a dependent of the employee as that term is defined by the Internal Revenue Code (see attached IRS Bulletin No. 2004-49), the employee must pay federal income taxes on the value of the benefit. The IRS defines the taxable value of the health benefit as the amount it would cost the employee to obtain health insurance for his or her partner and each of the partner's children at group policy rates.

The cost of coverage for the domestic partner and/or his or her child(ren) will be added to the employee's monthly income and will be subject to tax withholding if the domestic partner and each child do not qualify as the employee's dependent under IRS rules. If the domestic partner does qualify as a dependent under IRS regulations, the benefit is not taxable and the City will not withhold any additional taxes. **It is the responsibility of the employee to determine whether the domestic partner and/or domestic partner's children qualify as dependents under IRS rules and to inform the City if the benefit should not be taxable.**

Approved by:



Anthony A. Piasecki
City Manager
City of Des Moines

Date

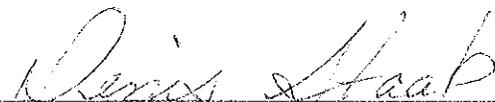
4/26/07

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Clerk